

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

01 MICHAEL EDWIN WEMPE (11/1/1939)

Defendant(s).

CASE NO. BA253178

**FELONY COMPLAINT**

The undersigned is informed and believes that:

COUNT 1

On and between October 29, 1990 and October 28, 1991, in the County of Los Angeles, the crime of LEWD ACT UPON A CHILD, in violation of PENAL CODE SECTION 288(a), a Felony, was committed by MICHAEL EDWIN WEMPE, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of JOHN DOE, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant(s) and the said child.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

\* \* \* \* \*

COUNT 2

On and between October 29, 1991 and October 28, 1993, in the County of Los Angeles, the crime of LEWD ACT UPON A CHILD, in violation of PENAL CODE SECTION 288(a), a Felony, was committed by MICHAEL EDWIN WEMPE, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of JOHN DOE, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant(s) and the said child.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

\* \* \* \* \*

COUNT 3

On and between October 29, 1992 and October 28, 1993, in the County of Los Angeles, the crime of LEWD ACT UPON A CHILD, in violation of PENAL CODE SECTION 288(a), a Felony, was committed by MICHAEL EDWIN WEMPE, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of JOHN DOE, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant(s) and the said child.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged as to count(s) 1, 2, and 3 that pursuant to Penal Code section 1203.066(a)(9) that the defendant(s), MICHAEL EDWIN WEMPE occupied a position of special trust and committed an act of substantial sexual conduct.

Lewd or lascivious acts with child under age 14; prohibition of probation, suspension of execution or imposition of sentence and striking of finding.

(a) Notwithstanding Section 1203, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, nor shall a finding bringing the defendant within the provisions of this section be stricken pursuant to Section 1385 for, any of the following persons:

(9) A person who occupies a position of special trust and commits an act of substantial sexual conduct. "Position of special trust" means that position occupied by a person in a position of authority who by reason of that position is able to exercise undue influence over the victim. Position of authority includes, but is not limited to, the position occupied by a natural parent, adoptive parent, stepparent, foster parent, relative, household member, adult youth leader, recreational director who is an adult, adult athletic manager, adult coach, teacher, counselor, religious leader, doctor, or employer.

It is further alleged, pursuant to Penal Code section 803(G), as to count(s) 1, 2, and 3 that the statute of limitations has been extended.

1. The alleged victim reported to a law enforcement agency, to wit, The Los Angeles County Sheriff's Department, that he while under the age of 18, was the victim of a sex crime as specified in Penal Code Section 803(g), to wit Penal Code section 288(a);
2. A complaint was filed within one year of the date of the reporting, which was taken on August 21, 2003;

3. The statute of limitations period as specified in Penal Code Sections 800 and 801 has expired as to the charged crime;
4. The crime involved substantial sexual conduct, namely masturbation and oral copulation upon the victim by the defendant; and
5. There is independent evidence that clearly and convincingly corroborates the victim's allegation, to wit, attestations by ten other witnesses who were sexually abused by the defendant.

\* \* \* \* \*

#### COUNT 4

On and between October 29, 1993 and October 28, 1995, in the County of Los Angeles, the crime of ORAL COPULATION OF A PERSON UNDER 16, in violation of PENAL CODE SECTION 288a(b)(2), a Felony, was committed by MICHAEL EDWIN WEMPE, who did unlawfully, being over the age of 21 years, participate in an act of oral copulation with JOHN DOE, a person under the age of sixteen years.

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code section 1202.1."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

It is further alleged, pursuant to Penal Code section 803(G), that the statute of limitations has been extended.

1. The alleged victim reported to a law enforcement agency, to wit, The Los Angeles County Sheriff's Department, that he while under the age of 18, was the victim of a sex crime as

specified in Penal Code Section 803(g), to wit Penal Code section 288a(b)(2);

2. A complaint was filed within one year of the date of the reporting, which was taken on August 21, 2003;
3. The statute of limitations period as specified in Penal Code Sections 800 and 801 has expired as to the charged crime;
4. The crime involved substantial sexual conduct, namely oral copulation upon the victim by the defendant; and
5. There is independent evidence that clearly and convincingly corroborates the victim's allegation, to wit, attestations by ten other witnesses who were sexually abused by the defendant.

It is further alleged as to Counts 2 and 4 that the offenses are properly charged pursuant to Penal Code section 784.7

\* \* \* \* \*

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER BA253178, CONSISTS OF 4 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on September 11, 2003.

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DECLARANT AND COMPLAINANT

.....  
STEVE COOLEY, DISTRICT ATTORNEY

BY: William H. Holzman for  
RICHARD T HICKS, DEPUTY

AGENCY: LASD - FAMILY  
CRIMES BUREAU

I/O: J. CHARLES

ID NO.: 222085 PHONE: (562) 946-7960

DR NO.: 002000303500999

OPERATOR: MV

PRELIM. TIME EST.: 4 HOUR(S)

<u>DEFENDANT</u>	<u>CH NO.</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOM'D</u>	<u>CUSTODY RTN DATE</u>
WEMPE, MICHAEL EDWIN	024704606	11/1/1939	7833944	\$800,000	9/11/2003

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

**FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872**

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

*(Strike out or add as applicable)*

MICHAEL EDWIN WEMPE

<u>Count No.</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Special Allegation</u>	<u>Alleg. Effect</u>
1	PC 288(a)	3-6-8	PC 1203.066(a)(9) PC 803(g)	MSP Check Code
2	PC 288(a)	3-6-8	PC 1203.066(a)(9) PC 803(g)	MSP Check Code
3	PC 288(a)	3-6-8	PC 1203.066(a)(9) PC 803(g)	MSP Check Code
4	PC 288a(b)(2)	16-2-3	PC 803(g)	Check Code

I order that the defendant(s) be held to answer therefor and be admitted to bail in the sum of:

MICHAEL EDWIN WEMPE \_\_\_\_\_ Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

MICHAEL EDWIN WEMPE \_\_\_\_\_ in Dept \_\_\_\_\_

at: \_\_\_\_\_ A.M.

Date: \_\_\_\_\_

\_\_\_\_\_ *Committing Magistrate*